

United States District Court

DISTRICT OF DELAWARE

SUMMONS IN A CIVIL ACTION

MERCK & CO., INC.)
Plaintiff,)
v.)
APOTEX, INC.)
Defendant.)

CASE NUMBER: 0 6 - 2 3 0

TO: APOTEX, INC.

c/o Apotex Corporation (attn: Tammy McIntire; 2400 N. Commerce Pkwy.; Ste 400, Weston, FL 33326)
c/o The Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY:

Mary B. Graham
Morris, Nichols, Arsh & Tunnell LLP
1201 North Market Street; P.O. Box 1347
Wilmington, DE 19899-1347
302-658-9200

an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

4/7/06

BY DEPUTY CLERK

AO 440 (REV. 10/93) Summons In a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ¹	DATE 10 April 2006
NAME OF SERVER (PRINT) Aaron T. Johnston	TITLE Messenger

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served: _____

Left copies thereof at the defendant's dwelling house or usual place of abode with person of suitable age and direction then residing therein. Name of person with whom the summons and complaint were left: _____

Returned unexecuted: _____

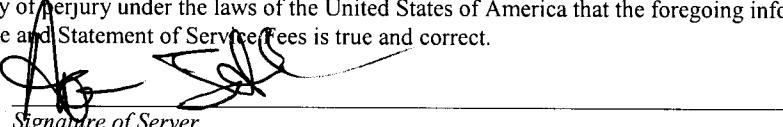
Other (specify): Service of the Summons and Complaint was made upon defendant Apotex, Inc. by delivering copies thereof to defendant's registered agent, Apotex Corp., c/o The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801 (received 04/10/2006 by Scott LaScala at 10:10 AM).

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4.10.06 
 Date
 Signature of Server

Morris, Nichols, Arsh & Tunnell LLP
 1201 N. Market Street, Wilmington, DE 19801
 Address of Server

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure